

COPY OF PAPERS
ORIGINALLY FILED

Practitioner's Docket No. 101-026P1RNM

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Rosana Kapeller-Libermann
Application No.: 10/056,744 Group No.: N/A
Filed: January 25, 2002 Examiner: N/A
For: 58860, A HUMAN CHOLESTERYL ESTER HYDROLASE AND USES
THEREFOR

Box Missing Parts
Assistant Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION
FILED UNDER 37 CFR 1.53(b)

I.

This replies to the NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION
FILED UNDER 37 CFR 1.53(b) (Form PTOL-458) mailed March 19, 2002.

A copy of the NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION
FILED UNDER 37 CFR 1.53(b) (Form PTOL-458) is enclosed.

CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) and 1.10*

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

- ☒ deposited with the United States Postal Service in an envelope addressed to the Assistant Commissioner for Patents,
Washington, D.C. 20231.

37 C.F.R. SECTION 1.8(a)

37 C.F.R. SECTION 1.10*

- ☒ with sufficient postage as first class mail.

☐ as "Express Mail Post Office to Address"
Mailing Label No. _____

TRANSMISSION

- ☐ transmitted by facsimile to the Patent and Trademark Office.

Signature

Date: May 8, 2002

Jean M. Silveri

(type or print name of person certifying)

***WARNING:** Each paper or fee filed by "Express Mail" **must** have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. section 1.10(b). "Since the filing of correspondence under section 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will **not** be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

COMPLETION OF INFORMALITIES

II.

To complete the informalities noted on the NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION FILED UNDER 37 CFR 1.53(b), applicant submits herewith:

(a) ☒ an executed Declaration, bearing the above application number and filing date, in compliance with 37 C.F.R. Section 1.63, and showing the post office address and the city and state or foreign country of applicant's residence

(b) ☐ new drawings complying with the size requirements

WARNING: Where drawings are being submitted, the facsimile transmission procedure of 37 C.F.R. Section 1.8(a) cannot be used. 37 C.F.R. Section 1.6(d)(4).

(c) ☐ new pages _____, which are clear enough to be microfilmed **and** a Statement that New Pages Contain the Same Material as on Deposit

(d) (x) \$130.00 surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application (37 C.F.R. Section 1.16(e))

(e) (x) 7 pages of "Sequence Listing(s)" for the nucleotide and/or amino acid sequence(s) in this application. Each "Sequence Listing" is assigned a separate identifier as required in 37 C.F.R. Section 1.821(c) and 37 C.F.R. Sections 1.822 and 1.823.

(f) ☒ A copy of each "Sequence Listing" submitted for this application in computer readable form, in accordance with the requirements of 37 C.F.R. Sections 1.821(e) and 1.824.

(g) (x) A Change of Attorney Docket Numbers.

Practitioner's Docket No. MPI01-026P1RNM

CLAIMS AS FILED					
Claims	Number Filed	Basic Fee Allowance	Number Extra	Rate	Basic Fee 37 C.F.R. Section 1.16(a) \$740.00
Total Claims (37 C.F.R. Section 1.16(c))	0	- 20 =	0	\$18.00	\$0.00
Independent Claims (37 C.F.R. Section 1.16(b))	0	- 3 =	0	\$84.00	\$0.00
Multiple Dependent Claim(s), if any (37 C.F.R. Section 1.16(d))	0	\$280.00			\$0.00

Filing Fee Calculation **\$0.00**

(h) ☐ filing fees in the amount of \$0.00

EXTENSION OF TIME

III.

The proceedings herein are for a patent application, and the provisions of 37 C.F.R. Section 1.136(a) apply.

(a) ☐ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. Section 1.17(a)(1)-(5), for the total number of months checked below:

Extension (months)	Fee for other than small entity	Fee for small entity
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 400.00	\$ 200.00
<input type="checkbox"/> three months	\$ 920.00	\$ 460.00
<input type="checkbox"/> four months	\$ 1,440.00	\$ 720.00
<input type="checkbox"/> five months	\$ 1,960.00	\$ 980.00

Fee \$0.00

Practitioner's Docket No. MPI01-026P1RNM

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

☐ An extension for _____ months has already been secured and the fee paid therefor of
\$0.00 is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$0.00

or

(b) ☒ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

FEE PAYMENT

IV.

☐ Attached is a check in the sum of \$ _____ to cover _____.

☒ Charge Account No. 501668

☒ the sum of \$130.00 for the surcharge fee due.

☐ for any fee which may be due *(see conditional petition above)*.

A duplicate of this transmittal is attached.

May 8, 2002

MILLENNIUM PHARMACEUTICALS, INC.

By _____

Jean M. Silveri

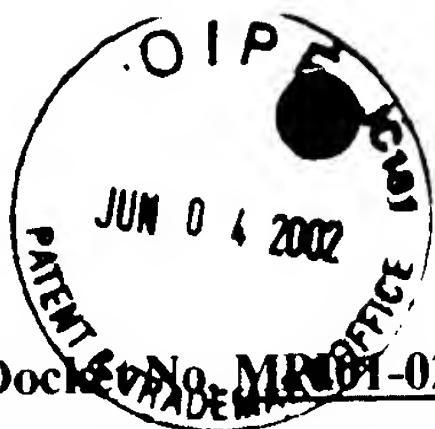
Registration No. 39,030

75 Sidney Street

Cambridge, MA 02139

Telephone - 617-679-7336

Facsimile - 617-551-8820



Practitioner's Document No. MP001-026P1RNM

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Rosana Kapeller-Libermann
Application No.: 10/056,744 Group No.: N/A
Filed: January 25, 2002 Examiner: M/A
For: 58860, A HUMAN CHOLESTERYL ESTER HYDROLASE AND USES
THEREFOR

Box Sequence
Assistant Commissioner for Patents
Washington, D.C. 20231

**SUBMISSION OF "SEQUENCE LISTING," COMPUTER READABLE COPY,
AND/OR AMENDMENT PERTAINING THERETO
FOR BIOTECHNOLOGY INVENTION CONTAINING NUCLEOTIDE
AND/OR AMINO ACID SEQUENCE**

1. ☒ This replies to the Notice to File Missing Parts of Nonprovisional Application dated March 19, 2002.

☒ A copy of the is Notice to File Missing Parts of Nonprovisional Application enclosed.

IDENTIFICATION OF PERSON MAKING STATEMENT

2. I, Jean M. Silveri
(type or print name of person signing below)

state the following:

CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) and 1.10*

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

☒ deposited with the United States Postal Service in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

37 C.F.R. SECTION 1.8(a)

37 C.F.R. SECTION 1.10*

☒ with sufficient postage as first class mail.

☐ as "Express Mail Post Office to Address"
Mailing Label No. _____

TRANSMISSION

☐ transmitted by facsimile to the Patent and Trademark Office.

Signature

Date: May 8, 2002

Jean M. Silveri
(type or print name of person certifying)

***WARNING:** Each paper or fee filed by "Express Mail" **must** have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. section 1.10(b). "Since the filing of correspondence under section 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will **not** be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

ITEMS BEING SUBMITTED

3. Submitted herewith is/are:

- A. ☒ "Sequence Listing(s)" for the nucleotide and/or amino acid sequence(s) in this application. Each "Sequence Listing" is assigned a separate identifier as required in 37 C.F.R. Section 1.821(c) and 37 C.F.R. Sections 1.822 and 1.823.
- B. ☐ An amendment to the description and/or claims, wherein reference is made to the sequence by use of the assigned identifier, as required in 37 C.F.R. Section 1.821(d).
- C. ☒ A copy of each "Sequence Listing" submitted for this application in computer readable form, in accordance with the requirements of 37 C.F.R. Sections 1.821(e) and 1.824.
- D. ☐ Please transfer to this application, in accordance with 37 C.F.R. Section 1.821(e), the computer readable copy(ies) from applicant's other application identified as follows:

In re application of:

Application No.:

Filed:

For:

Group No.:

Examiner:

The Computer readable form(s) of applicant's other application corresponds to the "Sequence Identifier(s)" of the application as follows:

Computer Readable Form
(other application)

"Sequence Identifier"
(this application)

- E. ☒ A statement that the content of each "Sequence Listing" submitted and each computer readable copy are the same, as required in 37 C.F.R. Section 1.821(g).
- ☐ Because the statement is not made by a person registered to practice before the Office, the Statement is verified as required in 37 C.F.R. Section 1.821(b).

Practitioner's Docket No. MPI01-026P1RNM

F. ☒ Because this submission is made in fulfilling the requirement under 37 C.F.R. Section 1.821(g), a statement that the submission includes no new matter.

☐ Because the statement is not made by a person registered to practice before the Office, the statement is verified, as required in 37 C.F.R. Section 1.821(g).

**STATEMENT THAT "SEQUENCE LISTING"
AND COMPUTER READABLE COPY ARE THE SAME
AND/OR THAT PAPERS SUBMITTED INCLUDES NO NEW MATTER**

4. I hereby state:

A. ☒ Each computer readable form submitted in this application, including those forms requested to be transferred from applicant's other application, is the same as the "Sequence Listing" to which it is indicated to relate.

B. ☒ All papers accompanying this submission, or for which a request for transfer from applicants' other application, introduce no new matter.

EXTENSION OF TERM

5. The proceedings herein are for a patent application and the provisions of 37 C.F.R. Section 1.136 apply.

(a) ☐ Applicant petitions for an extension of time under 37 C.F.R. Section 1.136 (fees: 37 C.F.R. Section 1.17(a)(1)-(4)) for the total number of months checked below:

Extension (months)	Fee for other than small entity	Fee for small entity
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 390.00	\$ 195.00
<input type="checkbox"/> three months	\$ 890.00	\$ 445.00
<input type="checkbox"/> four months	\$1,390.00	\$ 695.00
		Fee <u>\$0.00</u>

If an additional extension of time is required, please consider this a petition therefor.

☐ An extension for _____ months has already been secured, and the fee paid therefor of
\$0.00 is deducted from the total fee due for the total months of extension
now requested.

Extension fee due with this request \$0.00

OR

Practitioner's Docket No. MPI01-026P1RNM

- (b) ☒ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

FEE PAYMENT

6. ☐ Attached is a check in the sum of \$ _____ .
☐ Charge Account No. 501668 the sum of \$0.00 .
A duplicate of this transmittal is attached.

FEE DEFICIENCY

8. ☒ If any additional extension and/or fee is required, charge Account No. 501668 .

May 8, 2002

MILLENNIUM PHARMACEUTICALS, INC.

By: J. M. Silveri

Jean M. Silveri

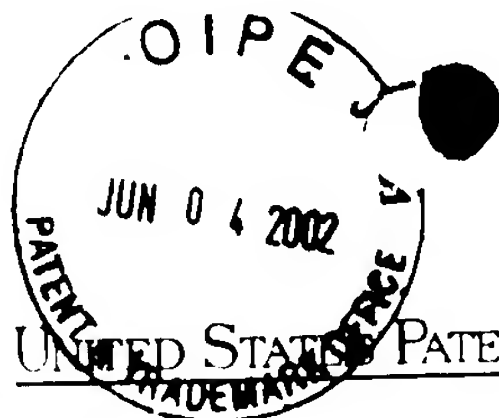
Registration No. 39,030

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Facsimile - 617-551-8820

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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/056,744	01/25/2002	Rosana Kapeller-Libermann	MP12001-026P1RCPI(M)

CONFIRMATION NO. 9906

FORMALITIES LETTER



OC000000007667718

Millennium Pharmaceuticals, Inc.
75 Sidney Street
Cambridge, MA 02139

Date Mailed: 03/19/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 130.**
- A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

A copy of this notice MUST be returned with the reply.

10056744

501668

06/07/2002 WARRHAM 00000061

130.00 CH

01 FC:105

file

Customer Service Center

Initial Patent Examination Division 7-6-3-8-12-2

PART 2 - COPY TO BE RETURNED WITH RESPONSE